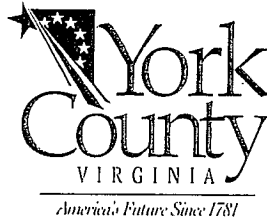


BOARD CHAIR

Adam A. Frisch



BOARD MEMBERS

Bobby C. James
Diane K. Short
Shirley Estes
Jan W. Briede'
David A. Rolston

BOARD VICE CHAIR

Alvin K. Russell

June 24, 2008

Mr. & Mrs. Norman Pulliam
108 Anchor Lane
Yorktown, VA 23692

RE: CBPA Exception 08-114, 108 Anchor Lane

Dear Mr. & Mrs. Pulliam:

At the June 12, 2008 public hearing the Chesapeake Bay Board considered your application requesting an exception to construct a 4.5 foot wide eco-paver walk in the Resource Protection Area at 108 Anchor Lane. The Board denied the exception request through adoption of Resolution 08-114A (copy attached).

According to section 23.2-16 of the County Code, the owner of a property subject to a Chesapeake Bay Board decision, order or requirement may present to the Circuit Court of York County "a petition specifying the grounds on which aggrieved, within thirty (30) days after the final decision by the Chesapeake Bay Board."

Please contact me at 890-3758 if you have any questions.

Sincerely,

Kent Henkel
Environmental Specialist

Copy to: Anna Drake, CBPA Manager
Melinda Dunlap, Environmental Specialist
James Barnett, County Attorney
Nancy Miller, CBLAD Liaison
Chesapeake Bay Board and File

CHESAPEAKE BAY BOARD
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Chesapeake Bay Board held in the East Room, York Hall, Yorktown, Virginia, on the 12th day of June 2008:

<u>Present</u>	<u>Vote</u>
Alvin K. Russell, Acting Chair	Yes
Shirley Estes	Yes
Robert C. James	Yes
Jan Briede	Yes
David A. Rolston	Yes

On the motion of David Rolston, which carried 5 - 0, the following resolution was adopted:

WHEREAS, Norman and Katrina Pulliam ("the Applicant") submitted Chesapeake Bay Application No. 08-114 requesting an exception from Section 23.2-9(d)(2) of the York County Chesapeake Bay Preservation Areas Ordinance in order to construct a 4.5 foot wide eco-stone walk in the 100-foot Resource Protection Area along Boathouse Creek on property located at 108 Anchor Lane (York County GPIN V07a-1421-3983).

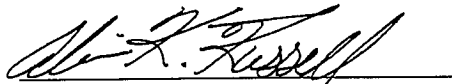
WHEREAS, the York County Chesapeake Bay Board conducted a public hearing on this exception on June 12, 2008; and

WHEREAS, after careful consideration of the pertinent issues subsequent to the public hearing, the Board has determined that:

1. The requested exception is not the minimum necessary to afford relief - the Board determined a 3-foot wide path is the minimum necessary;
2. Granting the exception will confer upon the applicant special privileges that are denied to other property owners who are subject to these provisions and similarly situated - the Board decided that granting this request would have set a precedent beyond the 3-foot minimum necessary. The applicant did not establish the need for more than a 3-foot wide eco-stone path.
3. The exception is not in harmony with the purpose and intent of the CBPA Act and is of substantial detriment to water quality;
4. The exception request is based upon conditions or circumstances that are self-created or self-imposed;

5. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality; and,
6. Other findings as recommended by the CBPA Manager and deemed appropriate by the board, are met.

NOW, THEREFORE, BE IT RESOLVED by the York County Chesapeake Bay Board on this the 12th day of June 2008, that the exception request of Norman and Katrina Pulliam to construct a 4.5 foot wide eco-stone walk in the 100-foot Resource Protection Area be denied.


Alvin K. Russell, Acting Chair